

Docket No. F-7930

Ser. No. 10/723,262

REMARKS

Applicant expresses appreciation to the Examiner for allowing claims 2-5 and determining that claims 6-7 would be allowed if amended to overcome objections thereto and that claims 8-13 would be allowed if rewritten to include the limitations of the claims from which they depend.

Regarding claims 6 and 7, Applicant has amended the claims to overcome the objections so that claims 6 and 7 should now be allowed. Regarding claims 8-13, Applicant has amended claims 8 and 11 to include the limitations of Claim 1 so that claims 8-13 should now be allowed.

The Examiner has rejected Claim 1 under 35 U.S.C. § 103 (a) as being unpatentable over Izumi (JP No. 2001001811) as modified by Bernhardt et al. (U.S. Patent No. 6,131,871) where the Examiner asserts that Izumi illustrates elements 17 and 19 which render obvious the regulating means as recited in pending Claim 1.

Applicant disagrees with the Examiner as element 17 of Izumi is a motor that provides upward and downward motion to the outer and inner rails. Element 19 of Izumi is a gear box used by the motor 17. In comparison, Claim 1 recites that regulating means are "for adjusting and maintaining a *distance between both said inside rails.*" As a structure for maintaining the distance between rails differs from a structure providing upward and downward

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motion, Izumi as combined with Bernhardt fails to teach each limitation of pending Claim 1. Accordingly, Applicant respectfully asserts that the rejection of Claim 1 is improper. *In re Royka*, 490 F.2d 981 (CCPA 1974) (a prima face case of obviousness is established only where the combination of cited references teaches or suggests each limitation in the claim).

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

One further independent claim in excess of three is added. The fee of \$200.00 for the claim is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.


Applicant respectfully requests a two month extension of time for responding to the Office Action. The fee of \$450.00 for the extension is also provided for in the charge authorization presented in the provided PTO Form 2038, Credit Card Payment form.

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If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By 
C. Bruce Hamburg
Reg. No. 22,389
Attorney for Applicants

and,

By 
T. David Bomzer
Reg. No. 48,770
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340